

State of South Dakota

EIGHTY-FIRST SESSION
LEGISLATIVE ASSEMBLY, 2006

466M0614

HOUSE BILL NO. 1171

Introduced by: Representatives Kraus, Cutler, Gillespie, Hennies, Rave, Roberts, and
Tornow and Senators Kooistra and Knudson

1 FOR AN ACT ENTITLED, An Act to permit the court to award attorneys' fees in certain
2 custody and visitation cases.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 15-17-38 be amended to read as follows:

5 15-17-38. The compensation of attorneys and counselors at law for services rendered in civil
6 and criminal actions and special proceedings is left to the agreement, express or implied, of the
7 parties. However, attorneys' fees may be taxed as disbursements if allowed by specific statute.
8 The court, if appropriate, in the interests of justice, may award payment of attorneys' fees in all
9 cases of divorce, annulment of marriage, determination of paternity, custody, visitation, separate
10 maintenance, support, or alimony. The court may award the fees before or after judgment or
11 order. The court may award attorneys' fees from trusts administered through the court as well
12 as in probate and guardianship proceedings. Attorneys' fees may be taxed as disbursements on
13 mortgage foreclosures either by action or by advertisement.

